



FloorPrep

Legislative Digest

Wednesday, July 29, 1998

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 629—Texas Low-Level Radioactive Waste Disposal Compact Consent Act (Conference Report)

H.R. 4194—FY 1999 VA/HUD Appropriations Act

H.R. 4328—FY 1999 Transportation Appropriations Act



H.R. 629—Texas Low-Level Radioactive Waste Disposal Compact Consent Act (Conference Report)

Floor Situation: The House will consider the conference report to H.R. 629 as its first order of business today. Conference reports are privileged and may be considered any time three days after they are filed; they are debatable for one hour, may not be amended, and are subject to one motion to recommit. Yesterday, the Rules Committee granted a rule that waives all points of order against the conference report and its consideration.

Summary: The conference report to H.R. 629 makes relatively few changes to the House-passed bill. It gives congressional approval to a compact between Texas, Maine, and Vermont that establishes a shared storage facility in western Texas for low-level radioactive waste. The compact will become effective on the date of enactment and consent is conditioned on the compact commission's compliance with the requirements of the Low-Level Radioactive Waste Policy Act (*P.L. 96-573*). While congressional consent is not necessary for the interstate agreement to move forward, its absence would raise questions concerning the right of compact members to exclude waste from other states as provided in the 1980 law. The measure gives Congress the right to amend or repeal its consent after 10 years. The conference agreement does not include a House-passed provision that restricts the compact from accepting low-level radioactive waste at the Texas facility from any state other than Maine or Vermont. The bill was introduced by Mr. Barton; the House passed H.R. 629 by a vote of 309-107 on October 7, 1997. The Senate approved the measure by unanimous consent on April 1, 1998.

Additional Information: For information on H.R. 629 as it went to the House floor, see *Legislative Digest*, Vol. XXVI, #28, October 3, 1997.



H.R. 4194—FY 1999 VA/HUD Appropriations Act

Floor Situation: The House will consider H.R. 4194 after it completes consideration of the conference report to H.R. 629. Last Thursday, the House continued considering amendments under an open rule. The rule waives points of order against the bill for containing measures within the jurisdiction of the Budget Committee that were not reported by it. It also waives House rules prohibiting unauthorized appropriations, legislative measures in an appropriations bill, and reappropriations, except for measures to require the Consumer Product Safety Commission to restore fire retardant standards for children's sleepwear. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The rule permits the chairman of the Committee of the Whole to postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 4194 appropriates \$94.4 billion in new budget authority—\$4.4 billion more than in FY 1998 (\$3.1 billion more in discretionary spending) and \$7.8 billion less than the president's request (because of \$7.7 billion in advance appropriation requests by the president)—for veterans benefits, housing programs, and various agencies dealing mostly with science, space, and the environment. A majority of these funds, \$71 billion, go toward discretionary spending programs, while the remaining \$22.3 million is mandatory spending (outside of the control of the Appropriations Committee).

A large portion of the bill's funding, \$42.3 billion, supports the Department of Veterans Affairs' efforts to provide extensive health, housing, education, and compensatory benefits to military veterans and their dependents. The measure provides \$26.6 billion for the Department of Housing and Urban Development (HUD)—\$5.1 billion more than in FY 1998 and \$1.7 billion more than the president's request—including \$9.6 billion for Section 8 housing rental assistance. The bill increases funding for homeless assistance to \$975 million (a \$152 million increase) and provides \$4.7 billion for community development block grants. In addition, the measure increases the value of home mortgages that the Federal Housing Administration may insure from \$86,317 to \$109,032 in most areas of the country and from \$109,032 to \$197,620 in high cost areas.

H.R. 4194 provides \$7.4 billion for the Environmental Protection Agency (a \$59.6 million increase). This amount includes: (1) \$656.5 million for EPA research and development (a \$25.5 million increase); (2) \$1.5 billion for Superfund cleanup work, which includes \$75 million for the "brownfields" program; (3) \$1.25 billion for clean water state revolving funds and \$775 million for safe drinking water state revolving funds; and (4) \$817.3 million for the Federal Emergency Management Agency (FEMA).

The measure also provides \$13.3 billion for the National Aeronautics and Space Administration (NASA), including (1) \$3.1 billion for the space shuttle program, (2) \$2.1 billion for the International

Space Station, (3) \$1.35 billion for the Earth Observing System, and (4) \$3.6 billion for the National Science Foundation. Finally, the measure eliminates funding for the AmeriCorps program.

The bill replaces the 1937 United States Housing Act—the basis of all federal housing programs—with a new housing framework (essentially the House-passed version of H.R. 2, the Housing Opportunity and Responsibility Act) and consolidates into a new block grant program the existing programs through which tenant-based rental assistance is currently provided through Section 8 certificates and vouchers

CBO estimates that enactment of H.R. 4194 will result in outlays of \$52.5 billion in FY 1999, \$22.5 billion in FY 2000, \$9.6 billion in FY 2001, \$3.9 billion in FY 2002, and \$4.1 billion in FY 2003 and future years. The bill was submitted by Mr. Lewis (CA); the Appropriations Committee ordered the bill reported by voice vote on June 24, 1998.

Views: The Republican leadership supports passage of the bill. The Clinton Administration has threatened to veto the bill if it is not modified from its present form. Specifically, the administration opposes (1) the funding reductions for certain programs, including the AmeriCorps program; (2) bill language placing restrictions on the EPA; and (3) the Leach-Lazio housing amendment in its present form.

Amendments: Last Thursday, the House continued considering amendments under an open rule. Specifically, the House completed debate, but did not vote on, the following amendment:

- * an amendment by **Mr. Roemer** (#5) to effectively eliminate funding for the international space station program. Specifically, the amendment reduces funding for the project by \$1.6 billion (leaving \$500 million available for close-out costs). In 1993, NASA indicated the space station would cost \$17.4 billion; however, that figure has continued to rise over the past five years. An independent review ordered by NASA recently stated that the project may cost \$24.7 billion. Congress has generally supported NASA's plan to build a permanently occupied space station in Earth orbit where astronauts will live and conduct research. NASA expects that research performed in the near-zero gravity environment of the space station will result in new discoveries in life sciences, biomedicine, and materials sciences. However, some lawmakers question why a space station is needed, how much it will cost, the degree to which it is dependent on Russian participation, and whether Russia can fulfill those commitments. *Staff Contact: Pete Spiro, x5-3915*

At press time, the *Legislative Digest* was aware of the following other amendments to H.R. 4194:

Mr. Bereuter may offer an amendment (#1) to reduce the total funding for the Office of the EPA Administrator by \$15 million. *Staff Contact: Allen Feyerherm, x5-4806*

Mr. Bereuter may offer one of two amendments (#2 or #20) to:

- * prohibit the use of EPA funds to continue implementing treatment requirements for copper levels in drinking water until certain studies are completed by the EPA and the Centers for Disease Control. Upon completing the studies, the EPA may then establish an appropriate copper level based on the studies' results; and

- * prohibit the use of EPA funds to implement or enforce any national primary drinking water regulation for copper. The sponsor of the amendment maintains that the EPA is implementing a rule on copper concentrations in drinking water that is not supported by available scientific evidence. *Staff Contact: Allen Feyerherm, x5-4806*

Mr. Bereuter may offer an amendment (#3 or #21) to prohibit the use of EPA funds to propose, promulgate, or implement any rule that requires public water systems that rely on groundwater to use disinfection. The sponsor contends that, since the statutory deadline for the groundwater rule is May 2002, the amendment simply prevents the EPA from hastily promulgating a rule that is not based on sound science. *Staff Contact: Allen Feyerherm, x5-4806*

Mr. Coburn may offer an amendment (#33) to increase funding for VA medical care by \$304 million (the bill currently provides \$17.1 billion for veterans medical care—equal to the FY 1998 level) and offset the increase by decreasing funding for Federal Housing Administration non-overhead administrative expenses by an equal amount. *Staff Contact: Neil Bradley, x5-2701*

Mr. Hilleary may offer an amendment (#32) to increase funding for VA grants to construct State Extended Care Facilities by \$21 million and offset the increase by decreasing funding for Housing Opportunities for Persons with AIDS (HOPWA) by an equal amount. *Staff Contact: Will Marsh, x5-6831*

Mr. Hinchey may offer an amendment (#22) to prohibit the use of VA funds to implement the Veterans Equitable Resource Allocation system (VERA). The VERA system was established to provide medical care funding to regions across the country in a more equitable fashion. The system was created in response to findings that indicated the veteran population is shifting to different parts of the country but health care dollars are not. The VA's plan employs an allocation formula that ties funding for each of the 22 geographic regions to the numbers of veterans they actually serve. Some lawmakers fear that the Northeast and Midwest (where the veterans population is decreasing) may lose funding and subsequently result in a decrease in both the quantity and quality of health care. *Staff Contact: Chris Arthur, x5-6335*

Mr. Riggs may offer an amendment (#31) to prohibit funds in the bill from being used to implement the San Francisco ordinance that requires groups doing business with the city to provide domestic-partner benefits to their employees. The ordinance, adopted last year, resulted in the Salvation Army (which provided beds and meals to AIDS patients) losing its funding because the group refused to comply with the ordinance. The sponsor of the amendment maintains that federal funds should not be used as a threat to force private groups and businesses to adopt policies they find morally objectionable. *Staff Contact: Mark Davis, x5-3311*

Mr. Sanford may offer an amendment (#6, #17, or #26) to freeze the funding level for the National Science Foundation's (NSF) research and related activities account at the FY 1998 level (\$2.5 billion). The bill currently increases funding for the account by \$199.3 million. The intent of the amendment is to encourage the NSF to establish a priority system for awarding research grants and thus avoid awarding frivolous grants. *Staff Contact: Scott English, x5-3176*

Mr. Scarborough may offer an amendment to prohibit funds in the bill from be used to carry out Executive Order 13083. Issued on June 14, 1998, the executive order outlines a series of new "Federalism Policymaking Criteria" that federal agencies must follow when formulating and

implementing policies that have federalism implications. The sponsor of the amendment contends that the order establishes broad but ambiguous and possibly unconstitutional tests to justify federal intervention in state and local matters. **Staff Contact: Jennifer Hemingway, x5-4136**

Additional Information: See *Legislative Digest*, Vol. XXVII, #18, July 10, 1998.



H.R. 4328—FY 1999 Transportation Appropriations Act

Floor Situation: The House will consider H.R. 4328 after it completes consideration of H.R. 4194. Appropriations bills are privileged and may be considered any time three days after they are filed. Yesterday, the Rules Committee granted an open rule providing one hour of debate, equally divided between the chairman and ranking minority member of the Appropriations Committee. The rule waives Budget Act prohibitions against considering legislation that contains new contract authority not previously subject to appropriation. It also waives House rules prohibiting unauthorized appropriations, legislative measures in an appropriations bill, and reappropriations, except for certain measures. The rule self-executes (i.e., incorporates into the base text of the bill on passage of the rule) an amendment by Mrs. Fowler to convey certain Coast Guard property to Jacksonville University. It accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The rule permits the chairman of the Committee of the Whole to postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 4328 appropriates \$13.7 billion in net budget authority for transportation programs in FY 1999, \$1 billion more than FY 1998 and \$276.7 million more than the president's request. Including contract authority, it provides \$46.9 billion in total budgetary resources, \$4.8 billion more than the 1998 level and \$3.9 billion more than the president's request. The bill increases funding for highway, aviation, rail and public transportation programs. The recent enactment of TEA-21 renews most of the provisions of ISTEA but refines some measures and creates new programs. The major change in highway and transit funding is the establishment of "firewalls" which guarantee funding for highway and transit projects and highway spending to the actual receipts in the trust fund beginning in fiscal year 2000, which effectively allows the nation's fuel consumption to regulate the amount of money spent in creating and maintaining its infrastructure. Guaranteed within the new "firewalls" is total highway spending of \$25.5 billion, \$4 billion more than FY 1998, and the total transit program spending of \$5.4 billion, \$521 million more than last year.

Specifically, the measure allocates: (1) \$13.7 billion to Department of Transportation programs (a \$1 billion increase over the FY 1998 level); (2) \$3.9 billion for the U.S. Coast Guard (a \$29.4 million decrease); (3) \$9.5 billion for the Federal Aviation Administration (a \$376 million increase), including \$5.5 billion for operations and \$2 billion for facilities and equipment (a \$230.6 million increase and \$99.5 million increase, respectively); (4) \$26.7 billion for the Federal Highway Administration (a \$3.2 billion increase); (5) \$729.3 million for the Federal Railroad Administration (a \$207.5 million decrease from the FY 1998 level); and (6) \$5.4 billion for the Federal Transit Administration (\$521.3 million more than last year).

The bill concentrates on safety issues by increasing funds to various programs including \$461.4 million to the National Highway Traffic Safety Administration, an increase of \$127.9 million over last year and \$55.5 million more than the president's request, and \$100 million to provide additional explosive detection systems (EDS) in airports. It also provides \$446 million to the Coast Guard to counter drug activities, an increase of \$34 million from last year and \$73.8 million more than the president's request. In addition the bill provides an additional \$40 million for high-priority counter-drug equipment (i.e., special patrol boats and planes). The bill provides \$609 million for Amtrak, \$66.2 million more than last year.

Views: The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 4328:

Messrs. Nadler, Neumann, Royce, and Minge may offer an amendment to prohibit funds in the bill from being used for improvements to the Miller Highway in New York. The sponsor argues that this language has been included in previous appropriations measures to stop the relocation project, which critics assail as a wasteful effort—which will ultimately cost upwards of \$300 million—to increase the value of a proposed luxury condominium project. The conference report to TEA-21 authorized \$6 million for the project. **Staff Contacts:** *Brett Heimov (Nadler), x5-5635; x5-3031 (Neumann)*

Additional Information: See *Legislative Digest*, Vol. XXVII, #20, July 24, 1998.



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

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